

Application No.: 09/980,880
Reply Brief Dated: March 20, 2009

MAT-8189US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No: 09/980,880
Applicants: Yoshio GODA, et al.
Filed: September 3, 2002
Title: TOP SEALING PLATE, BATTERY USING THE TOP SEALING PLATE,
AND METHOD OF MANUFACTURING THE BATTERY (AS AMENDED)
TC/A.U.: 1795
Examiner: Robert W. Hodge
Confirmation No.: 1394
Docket No.: MAT-8189US

REPLY BRIEF UNDER 37 CFR 41.41

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Answer of **January 27, 2009**, Appellants are submitting this Reply Brief for the above-identified application.

Page 5 of the Examiner's Answer indicates that the Examiner considered the claim limitation "a contact pressure of said first contact portion is stronger than a contact pressure of said second contact portion" to have little or no patentable weight because it does not limit the structure of the apparatus. On page 8 of the Appeal Brief, however, Appellants argued that this rejection was improper because the Office Actions provided no reason or explanation supporting the assertion that the claim limitation does not limit the structure.

Page 5 of the Examiner's Answer indicates that "any sealant has infinite contact portions and because of the chemical nature of all sealants it is inherent that there will be weak and strong contact portions." On page 13 of the Appeal Brief, however, Appellants noted that this statement misinterprets the claims because the first contact portion is not formed by the caulk, but instead by the contact of a projection with a bend portion.

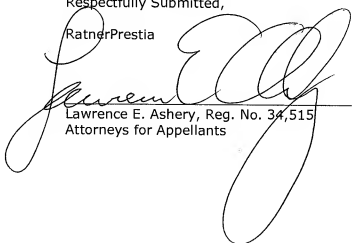
Page 5 of the Examiner's Answer indicates that claim 1 does not recite "where specifically the first and second contact portions are located with respect to each other." However, Appellants' claim 1 does recite "said first contact portion is formed from a contact of said projection and said bend portion." Further, Appellants Figure 1(b) depicts the contact portions between the outer periphery of the flange and the bend portion.

Page 6 of the Examiner's Answer indicates that the Examiner relied on the teaching of Nishino that a protrusion in the flange portion of the battery cap will improve fluid leakage resistance. On pages 11-12 of the Appeal Brief, Appellants argue that Nishino teaches that both a protrusion and a gasket are required to obtain improved leakage resistance. Appellants further argued that the inclusion of a gasket in the combination of the Nishino and Onagawa references would not meet Appellants' claims because it would not contain a first contact portion "formed from a contact of said projection and said bend portion."

Page 7 of the Examiner's Answer indicates that "the invention of Onagawa as modified by Nishino will also inherently have a strong contact portion formed around the protrusion." On page 13 of the Appeal Brief, Appellants argued that neither reference discloses a first contact pressure formed from a first contact portion of a projection and a bend portion that is stronger than a second contact pressure formed by a second contact portion.

Respectfully Submitted,

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